



TOWN OF GREENBURGH
ZONING BOARD OF APPEALS Meeting Results
Thursday, October 19, 2023 – 7:00 P.M.

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TOWN OF GREENBURGH

2023 OCT 21 10:17 AM

The Meeting of the Zoning Board of Appeals (ZBA) of the Town of Greenburgh was held on Thursday, October 19, 2023 in Greenburgh Town Hall and online via Zoom. Chairperson Bunting-Smith called the meeting to order at 7:18 P.M.

Members Present: Chairperson Eve Bunting-Smith, Kristi Knecht, Louis Crichlow, Diane Ueberle, William Bland, Shauna Denkensohn

Absent: Pauline Mosley

Staff: Garrett Duquesne, AICP, Commissioner Community Dev. & Conservation
Ed Lieberman Esq., Deputy Town Attorney
Elizabeth Gerrity, Deputy Building Inspector (via Zoom)
Kyra Jones, Secretary to the Zoning Board of Appeals

1. **Case No. ZBA 23-14: 450 Secor Road LLC/ Hartsdale Greenhouses, 450 Secor Road (P.O. Hartsdale, NY 10530) – Appeal Determination of Building Inspector/in the alternative a Use Variance/**

The Applicant is appealing a determination of the Building Inspector that the processing and sale of wood products that are not grown or harvested on-site is not a permitted use. In the alternative, if the appeal is denied, the Applicant requests a use variance from Section 285-48B of the Code of the Town of Greenburgh for the sale and processing of firewood and mulch that is not grown or harvested on-site. The property is located in the R-10 One-Family Residence District and is designated on the Town Tax Map as Parcel Lot ID: 8.120-70-53 and 8.120-70-54.

APPLICANT'S APPEAL OF THE DETERMINATION OF THE BUILDING INSPECTOR HAS BEEN CLOSED FOR DECISION ONLY TO THE MEETING OF NOVEMBER 16, 2023

APPLICANT'S REQUEST FOR A USE VARIANCE IN THE ALTERNATIVE TO AN APPEAL OF THE BUILDING INSPECTOR'S DETERMINATION HAS BEEN ADJOURNED TO THE MEETING OF DECEMBER 14, 2023

2. **Case No. ZBA 23-20: Daberto Henriquez & Flor Sosa / Hart Hills Hospitality LLC, 45 N. Washington Avenue (P.O. Hartsdale, NY 10530) – Area Variances**

The Applicant is requesting area variances from Section 285-19B(1) of the Zoning Ordinance to reduce the required 3,000 sq. ft. minimum lot area per dwelling unit from 24,000 sq. ft. (required) to 22,912 sq. ft. (proposed); from 285-19B(3) to increase the maximum principal building coverage from 18.3% (permitted) to 18.8% (proposed); from 285-19B(4) to reduce the minimum rear yard setback from 40 ft. (required) to 35.16 ft. (proposed); from 285-19B(5)(a) to reduce the minimum distance from the principal building to a parking area from 10 ft. (required) to 4.2 ft. (proposed); from 285-38G to reduce the dimensions of an off-street loading birth from 15 ft. x 45 ft. (required) to 8 ft. x 26 ft. (proposed), and to reduce the required landscape buffer from 10 ft. (required) to 4.16 ft. (proposed), [or alternatively, receive a waiver from the Planning Board], in order to construct an eight-unit apartment building with underground parking on the subject property. The property is located in the M-14 - Multi-Family District and is designated on the Town Tax Map as Parcel Lot ID: 8.250-183-3.

ON A MOTION BY MS. KNECHT, SECONDED BY MR. CRICHLAW, THE BOARD VOTED TO GRANT THE REQUESTED VARIANCES. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MS. KNECHT: AYE, MR. CRICHLAW: AYE, MS. DENKENSOHN: AYE, MS. UEBERLE: AYE, MR. BLAND: AYE

3. **Case No. ZBA 23-21: EDC 7 LLC / Thalle Industries, Inc., 50 Warehouse Lane South (aka 7 Warehouse Lane (P.O. Elmsford, NY 10523) – Special Permit Modification and Renewal**

for the modification and renewal of a special permit previously granted by the ZBA on April 12, 2002 (ZBA Case 01-35) in order to resume and expand its rock crushing and aggregate reclamation facility. The property is located in the GI - General Industrial District and is designated on the Town Tax Map as Parcel Lot ID: 7.180-52-20.SE.

THIS CASE WAS ADJOURNED FOR ALL PURPOSES TO THE MEETING OF NOVEMBER 16, 2023.

4. Case No. ZBA 23-22: EDC 7 LLC / Thalle Industries, Inc., 50 Warehouse Lane South (aka 7 Warehouse Lane (P.O. Elmsford, NY 10523) – Appeal Building Inspector Determination

The Applicant is appealing a determination of the Building Inspector regarding: (1) a Notice of Non-Renewal of ZBA Special Permit 01-35 dated July 24, 2023;” and (2) a stop work order for Thalle Industries’ operations at its Thalle “Virtual Quarry. The property is located in the GI - General Industrial District and is designated on the Town Tax Map as Parcel Lot ID: 7.180-52-20.SE.

THIS CASE WAS ADJOURNED FOR ALL PURPOSES TO THE MEETING OF NOVEMBER 16, 2023.

5. Case No. ZBA 23-23: Praveen Elak, 89 Marion Avenue (P.O. Hartsdale, NY 10530) – Area Variances

The Applicant is requesting area variances from Section 285-5 of the Zoning Ordinance to reduce the distance from a patio to a side property line from 10 ft. (required) to 3.67 ft. (proposed), and from 285-36G(6) to reduce the distance from a pool to a property line from 15 ft. (required) to 5 ft. (proposed) in order to install an in-ground pool and patio on the subject property. The property is located in the R-10 One-Family Residence District and is designated on the Town Tax Map as Parcel Lot ID: 8.290-223-3.

ON A MOTION BY MS. DENKENSOHN, SECONDED BY MR. CRICLOW, THE BOARD VOTED TO GRANT THE REQUESTED VARIANCES. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MS. DENKENSOHN: AYE, MR. CRICLOW: AYE, MS. UEBERLE: AYE, MS. KNECHT: AYE, MR. BLAND: AYE

6. Case No. ZBA 23-27: Eugen Dhimolea, 16 Homewood Road (P.O. Hartsdale, NY 10530) – Area Variance

The Applicant is requesting an area variance from Section 285-5 of the Zoning Ordinance to reduce the setback from a patio to a side property line from 10 ft. (permitted) to 3.54 ft (proposed) to legalize an existing patio on the subject property. The property is located in the R-7.5 One-Family Residence District and is designated on the Town Tax Map as Parcel Lot ID: 8.200-142-16.

ON A MOTION BY MS. UEBERLE, SECONDED BY MS. DENKENSOHN, THE BOARD VOTED TO GRANT THE REQUESTED VARIANCE. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MS. DENKENSOHN: AYE, MR. CRICLOW: AYE, MS. UEBERLE: AYE, MS. KNECHT: AYE, MR. BLAND: AYE

DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Zoning Board of Appeals will be held on Thursday, November 16, 2023 beginning at 7:00 pm.

Respectfully Submitted,



Kyra Jones, Secretary to the Zoning Board of Appeals